

### REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

- 2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention [presented for the second time].  
The following phrases are considered vague and indefinite: claim 2 / line 2: the phrase "in connection with"**

The applicant has amended claim 2.

#### **Allowed Claims**

- 3. Claims 1-9 are deemed allowable over the prior art at this time, pending resolution of any rejections noted above, because the prior art does not specifically disclose combining the generation of ranked performance predictor attributes with marketing communications to be made to distinguished segments of customers.**

The applicant acknowledges that the claims are patentable. The applicant does not concede that there are not other good reasons for the patentability of these and other claims.

All of the dependent claims are patentable for at least similar reasons as those for the claims on which they depend are patentable.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

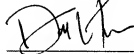
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Serial No. : 10/826,453  
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Page : 5 of 5

Attorney's Docket No.: 17146-009001

No fees are believed due at this time. Please apply any other charges or credits to deposit account 06-1050, referencing attorney docket number 17146-009001.

Respectfully submitted,

Date: 3/4/8



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